

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 2-62 remain pending herein, wherein claims 2-4, 7-27, 49, 52-54 and 56-62 stand withdrawn from consideration. Claim 1 has been canceled without prejudice or disclaimer. The withdrawn claims have been amended to remove dependencies from canceled claim 1, but correction of the improper multiple dependent claim format of withdrawn claims is deferred until allowance of the elected claims. Claim 5 has been amended to be in independent form, and claim 6 now depends from claim 5.

A new title and to the Abstract are submitted herewith as required in the office action.

The specification is amended to overcome informalities.

The claims have been amended to overcome the objections to claims 34, 36-40, 44, 45, 48, 50, 51 and 55 and the 35 USC 112, second paragraph, rejection of claims 28/5, 28/6, 30, 32/30 and 33. Also, all claim elements are now in clear non-means-plus-function format.

Claims 1 and 41/1 were rejected under 35 USC 102(b) as allegedly being anticipated by Ota et al. (USPN 5,777,978). Claims 5, 6, 28-33, 35, 41/5, 41/6, 42, 43, 46 and 47 stand

rejected under 35 USC 103(a) as unpatentable over Ota et al.
(USPN 5,777,978).

It is respectfully submitted that none of the instant claims are anticipated by or rendered obvious by Ota.

Figure 1 of Ota shows a rack 55 and drive gear 59a that utilize coil springs 96,97 to absorb backlashes between the rack and gear drive. It is submitted that the present claimed invention is distinguishable from Ota with respect to the following features.

The Applicants' claim 5 recites an urging member provided for the main unit which urges a cartridge against the tray from a direction perpendicular to the disk recording surface. In other words, by the rotation of the traverse holder, the cartridge urging member presses the cartridge against the tray. The cartridge urging member can hold the cartridge after it has been inserted into the main unit. Since the cartridge is not held in the middle of middle when being inserted into the main unit, a smooth insertion of the cartridge is carried out.

Furthermore, the cartridge urging member operates cooperatively with the transverse holder so that the cartridge urging member can be provided on the side of the main unit. One advantage of the present claimed invention is that the height of the unit can be much smaller than known in disk drives

heretofore. The smaller size also reduces the damper load required.

It is respectfully submitted that Ota fails to disclose or suggest all of the elements recited in independent claim 5. This appears to be admitted by the office action which acknowledges that Ota fails to disclose or suggest a positioning member as recited in claim 5.

Moreover, claim 6, which depends from claim 5, further recites a state detecting unit and a disk clamp member. It is submitted that these elements are also not disclosed or suggested by Ota.

Additionally, the Applicants respectfully disagree with the assertion in the Office Action that it is notoriously well known to provide a positioning member as recited in claim 5. As it is admitted in the Office Action that Ota fails to disclose or suggest a positioning member as claimed, the Applicants respectfully request (if the present rejection is maintained in a future office action) the Examiner to cite a reference showing a positioning member having the structure as recited in, for example, claim 5.

In view of the above, it is submitted that claim 5 and all claims dependent therefrom, are allowable over the applied art of record. Thus, it is submitted that this application is in

condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Ledbetter', with a stylized, cursive script.

James E. Ledbetter
Registration No. 28,732

Date: February 5, 2007
JEL/SG/att

Attorney Docket No. L8462.04121
STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387
Telephone: (202) 785-0100
Facsimile: (202) 408-5200